

PUBLIC LAW 104-191—AUG. 21,
1996

110 STAT.
1987

"SEC. 2762. PREEMPTION.

42 USC

"(a) IN GENERAL.—Subject to subsection (b), nothing in this ^{300gg ~ 62} part (or part C insofar as it applies to this part) shall be construed to prevent a State from establishing, implementing, or continuing in effect standards and requirements unless such requirements prevent the application of a requirement of this part.

"(b) RULES OF CONSTRUCTION.—Nothing in this part (or part C insofar as it applies to this part) shall be construed to affect or modify the provisions of section 514 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144).

"SEC. 2763. GENERAL EXCEPTIONS.

42 USC

"(a) EXCEPTION FOR CERTAIN BENEFITS.—The requirements of ^{300gg ~ 63} this part shall not apply to any health insurance coverage in relation to its provision of excepted benefits described in section 2791(c)(1).

"(b) EXCEPTION FOR CERTAIN BENEFITS IF CERTAIN CONDITIONS MET.—The requirements of this part shall not apply to any health insurance coverage in relation to its provision of excepted benefits described in paragraph (2), (3), or (4) of section 2791(c) if the benefits are provided under a separate policy, certificate, or contract of insurance."

(b) EFFECTIVE DATE.—

42 USC

(1) IN GENERAL.—Except as provided in this subsection, ^{300gg ~ 41} note. part B of title XXVII of the Public Health Service Act (as inserted by subsection (a)) shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after June 30, 1997, regardless of when a period of creditable coverage occurs.

(2) APPLICATION OF CERTIFICATION RULES.—The provisions of section 102(d)(2) of this Act shall apply to section 2743 of the Public Health Service Act in the same manner as it applies to section 2701(e) of such Act.

Subtitle C—General and
Miscellaneous

Provisions

SEC. 191. HEALTH COVERAGE AVAILABILITY STUDIES.

42 USC
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note.

- (a) STUDIES.
- (1) STUDY ON EFFECTIVENESS OF REFORMS.—The Secretary of Health and Human Services shall provide for a study on the effectiveness of the provisions of this title and the various State laws in ensuring the availability of reasonably priced health coverage to employers purchasing group coverage and individuals purchasing coverage on a non-group basis.
- (2) STUDY ON ACCESS AND CHOICE.—The Secretary also shall provide for a study on—
- (3) the extent to which patients have direct access to, and choice of, health care providers, including specialty providers, within a network plan, as well as the opportunity to utilize providers outside of the network plan, under the various types of coverage offered under the provisions of this title; and
- (4) the cost and cost-effectiveness to health insurance issuers of providing access to out-of-network providers, and the potential impact of providing such access on the cost